

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

vs.

ORDER

Criminal No. 04-455 (MJD/JGL)

Armando Armendariz-Garcia,
a/k/a "Chulo" (01); Roberto Galaviz (03);
Armando Cavazos (04); Robert Brian
Cole, III (05); Chad Michael Boyce (06);
John Wade Arthurs (08); and Edgar Versa,
a/k/a "Shorty" (09),

Defendants

Jeffery Paulsen, Esq., Assistant United States Attorney, for Plaintiff United States of America.

Peter Wold, Esq., for Defendant Armando Armendariz-Garcia (01).

The above-entitled matter comes before the Court upon the objections by Defendant Armando Armendariz-Garcia to the Report and Recommendation of United States Magistrate Judge Jonathan Lebedoff dated March 24, 2005. Defendant Armendariz-Garcia filed timely objections to that Report and Recommendation, specifically objecting to the recommended denial of his Motions to Sever [Docket No. 158]; to Suppress Confessions or Statements in the

nature of Confessions [Docket No. 165]; to Suppress Search and Seizure of a Storage Locker [Docket No. 168]; and to Dismiss Count 1 of the Indictment on the basis that it is duplicitous [Docket No. 170]. The Report and Recommendation recommended that each of these Motions, as well as other Motions filed by Mr. Armendariz-Garcia and by other defendants in this matter, be denied. No other objections, other than those noted above, have been filed.

Pursuant to statute, the Court has conducted a de novo review of the record of all of the grounds asserted by Defendant Armendariz-Garcia for severance, for suppressing the evidence obtained in either his confessions or in the search of his storage locker, and for dismissing Count 1. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court ADOPTS the Report and Recommendation dated March 24, 2005.

IT IS HEREBY ORDERED that:

1. Defendant Armando Armendariz-Garcia's Motion to Sever [Docket No. 158] is DENIED.
2. Defendant Armando Armendariz-Garcia's Motion to Suppress Confessions or Statements in the Nature of Confessions [Docket No. 158] is DENIED.
3. Defendant Armando Armendariz-Garcia's Motion to Suppress Search and Seizure of Storage Locker #618 [Docket No. 168] is DENIED.
4. Defendant Armando Armendariz-Garcia's Motion to Dismiss Count 1 of the

Indictment as duplicitous [Docket No. 170] is DENIED.

5. All other motions addressed in the Report and Recommendation [Nos. 4 and 6 through 15, Docket Nos. 169, 171, 83, 84, 85, 93, 95, 143, 106, 107, and 151] are DENIED.

Dated: May12, 2005

s/ Michael J. Davis

Michael J. Davis
United States District Court